

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutheron & Plaza Blanca,
Cañones Creek, Village of Chama

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Rio Brazos subsection of Section 7:

Navora Martinez CHRB-009-0012B

Juan A. Martinez CHRB-009-0012B

Delfino J. Trujillo CHCV-002-0021

Patricia C. Trujillo CHCV-002-0021

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named defendants was entered on October 2, 2006 (Docket No. 8400).
2. The above-named defendants have recently contacted the State and have approved the State’s proposed Consent Orders with respect to the subfiles listed above.
3. Good cause exists to set aside the entry of default with respect to the defendants named

above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside the entry of default for defendants Navora Martinez, Juan A. Martinez, Delfino J. Trujillo and Patricia C. Trujillo.

DATED: November 10, 2006

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed to following persons on November 10, 2006:

Navora Martinez
Juan A. Martinez
HC 75 Box 7
Tierra Amarilla, NM 87575

Delfino J. Trujillo
Patricia C. Trujillo.
4031 Dean Martin Dr.
Las Vegas, Nevada 89103

transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla Bruner, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville